

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN D. WHITE; individually,
BEVERLY ANN WHITE, individually,
ESTATE OF JOHN DOUGLAS "J.D."
WHITE, by and through his
successors in interest, JOHN D.
WHITE and BEVERLY ANN WHITE,

Plaintiffs,

v.

FREDERICK A. BROWN and DOES 1-
15, in their individual
capacities,

Defendants.

1:02-CV-5939 OWW SMS

ORDER GRANTING DEFENDANT
MICHAEL THEMINS' UNOPPOSED
MOTION FOR SUMMARY JUDGMENT
(Doc. 61)

This is a wrongful death action brought on behalf of decedent John Douglass White ("J.D." White) by his parents John D. White and Beverly Ann White. Before the court for decision is Defendant Michael Themins' motion for summary judgment. Doc. 61, filed March 29, 2005. Plaintiffs and all other defendants have filed statements of non-opposition to this motion in accordance with Local Rule 78-230(c). Doc. 63, filed Apr. 18, 2005, and Doc. 64, filed Apr. 20, 2005.

At the time of his death, Plaintiff J.D. White was incarcerated in California State Prison, Corcoran Correctional Facility. Because J.D. suffered from mental illness, he was held in the psychiatric facility and was prescribed various anti-psychotic drugs. Among other things, Plaintiffs allege that Defendants wrongfully denied J.D. his necessary medication, which triggered a chain of events resulting in J.D.'s death. Defendant Michael Themins is a licensed clinical social worker who examined J.D. the day before he died. Defendant Themins moves for summary judgment on the grounds that he (a) performed his duties competently and within the standard of care applicable to a licensed clinical social worker, and (b) had no duty to constantly monitor J.D.'s medications to ensure they were properly administered. A review of the record on this matter reveals that Mr. Themins' motion is supported by both law and fact. As there is no opposition to the motion, it is **GRANTED**.

SO ORDERED.

Dated: May 3, 2005

/s/ OLIVER W. WANGER

Oliver W. Wanger
UNITED STATES DISTRICT JUDGE